

INFORMATIVE DIGEST

The California Department of Social Services (CDSS) formally submits the attached regulation for review pursuant to California Code of Regulations (CCR), Title 1, Section 100 for being inconsistent with statute.

Final state regulations for the Trafficking and Crime Victims Assistance Program (TCVAP) were adopted on February 5, 2009 (OAL File No. 2008-1223-04C). The TCVAP, authorized by Senate Bill 1569 (Chapter 672, Statutes of 2006), is a state-funded program that allows for the provision of cash assistance and social services to eligible noncitizen victims of human trafficking, domestic violence, and other serious crimes. These state-funded benefits and services are equivalent to those that are available to refugees who enter the United States.

CDSS developed the TCVAP regulations to provide county welfare departments with guidance on implementing the TCVAP program. Once individuals are determined eligible for TCVAP, they may receive benefits and services under various state-funded programs, complying with the rules of those programs, including applicable time limits. Eligibility for state-funded benefits and services ends for a domestic violence and other serious crime victim when his or her application for a U Visa has been finally administratively denied or when a program time limit has been reached, whichever comes first. For example, currently a domestic violence and other serious crime victim who is eligible for TCVAP Cash Assistance that is equivalent to Refugee Cash Assistance may receive cash aid for a maximum period of eight months.

Recently it was discovered that Section 70-104.2 erroneously allows a recipient of Refugee Cash Assistance benefits for up to 60 months. The 60-month program time limitation is appropriate for some TCVAP components, such as receiving assistance under the CalWORKs Program, but not for the TCVAP Cash Assistance Program, which currently is eight months (MPP Handbook Section 69-202.412) and may change depending on funding.

Section 70-104.2 must be corrected by removing the 60-month program time limitation for recipients of TCVAP Cash Assistance. This change does not affect the benefits or services a TCVAP individual may receive but ensures the time periods for accessing the benefits and services are appropriately and consistently applied as authorized by Senate Bill 1569.